IN THE HIGH COURT OF UTTARANCHAL AT NAINITAL

Writ Petition No. 832 of 2001 (M/S)
(Old No. 45270/92)

1. Kalika Prasad Kala,
   Advocate and Social Worker.
2. Vijay Pal Singh Negi,
   Advocate and Social Worker,
   Both R/o Pauri-246001,
   District Parui Garhwal. …… Petitioners.

Versus

1. State of U.P.,
   through Secretary, Department of Forest,
   Sachivalaya, Lucknow.
2. Conservator of Forest,
   Pauri, District Parui Garhwal.
3. Union of India,
   through Secretary of Environment & Forest,
   Ministry of Environment & Forest,
   New Delhi.
4. State of Uttaranchal,
   through Secretary of Forest,
   Secretariat, Dehradun.
5. Chief Secretary,
   State of Uttaranchal, Dehradun.
6. Chief Conservator of Forest,
   Uttaranchal, Dehradun. …… Respondents.

Mr. B.S. Thind, Advocate on behalf of Mr. V.K. Bist, Senior Counsel for the petitioners.
Mr. U.P.S. Negi, Addl. Advocate General for respondents Nos. 1, 2, 4, 5 & 6.
Ms. Beena Pandey, Standing Counsel (Central Govt.) for respondent No.3.

JUDGMENT

Coram: Hon'ble Rajeev Gupta, C.J.
Hon'ble J.C.S. Rawat, J.

RAJEEV GUPTA, C.J. (Oral)

Mr. B.S. Thind, Advocate on behalf of Mr. V.K. Bist, Senior Counsel for the petitioners.

Mr. U.P.S. Negi, Addl. Advocate General for respondents Nos. 1, 2, 4, 5 & 6.

Ms. Beena Pandey, Standing Counsel (Central Govt.) for respondent No.3.

They are heard.

2. The petitioners had filed this writ petition styled as 'Public Interest Litigation' in the year 1992 before the High Court of Allahabad for the following reliefs:

> "1. To issue writ, direction or order in the nature of mandamus directing the respondents to appoint a committee of experts-
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> (a)for investigating this problem.
>
> (b)for making a survey of all the 13 districts of Uttaranchal so that the actual magnitude of the problem is revealed; and
>
> (c)for suggesting remedial measures.
>
> And the expert committee be directed to submit its report before this Hon'ble Court within a reasonable time frame.
>
> It is further prayed that the expert committee may be comprised of
>
> (i) some of the wild life scientist from the institutes campuses of **Wild Life Institute of India, Chandrabani, Dehradun or The Indria Gandhi Wild Life Institute Care of Forest Research Institute, Dehradun** or any such other Institute of National frame.
>
> (i) Some eminent jurist or judges.
>
> (ii) Some social activists of social eminence like Shri Sundarlal Bhuguna or Chandi Prasad Bhatt, and
>
> (iii) Some administrations of forest or wild life department who has earned renown for their knowledge learning.
>
> 2. To issue writ, direction or order in the nature of mandamus to respondents to reconsider the amount of compensation and enhance the same to the extent of 10 times of present rate of compensation given to the victims of leopard menace.
>
> 3. To issue appropriate writ declaring those provisions of the Wild Life Protection Act 1972 as ultra virus which violate Article 21 the Constitution of India.
>
> 4. To issue writ, direction or order in the nature of mandamus directing the respondents to amend the Wild Life Protection Act 1972 by making provisions in the same giving permission to the citizen to kill man-eaters and such other provisions for safety of human lives.
>
> 5. To issue writ, direction or order in the nature of mandamus directing the respondents to amend the

wild life Protection Act, 1972 by making provisions in the same for protection of human life from the wild animals."

3. Respondents Nos. 1, 2, 4, 5 & 6 have filed their short counter affidavit.

4. Mr. U.P.S. Ngei, the learned Addl. Advocate General for respondents Nos. 1, 2, 4, 5 & 6, referring to Notification dated 21st April, 2005 (Annexure SCA3), submits that since State Wild Life Advisory Board has been constituted by the State Government, the petitioners can approach the said Advisory Board for the redressal of their grievances.

5 In our opinion, it would be appropriate for the petitioner to first approach the State Wild Life Advisory Board for the redressal of their grievances projected in the writ petition.

6. With the above observation, the writ petition stands disposed of.

(J. C. S. Rawat, J.) 31.07.2006

(Rajeev Gupta, C.J.) 31.07.2006

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